

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

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UNITED STATES OF AMERICA	)	
	)	
V.	)	Crim. No. 23-CR-10127-LTS
	)	
JOSE TORRES	)	
	)	

**DEFENDANT’S ASSENTED-TO MOTION TO PARTICIPATE IN RESTORATIVE  
JUSTICE PROGRAM AND CONTINUE SENTENCING**

The defendant, Jose Torres, moves this Court to enter an order authorizing his participation in the Court’s Restorative Justice Program while he awaits sentencing in this matter. Additionally, Mr. Torres moves the Court to continue his sentencing hearing from its presently scheduled date of April 14, 2025, to either of the following dates, August 8, August 14, 2025, or any other date convenient for the Court and the Parties. Opposing counsel, Assistant U.S. Attorney Phil Mallard (“AUSA Mallard”), as well as U.S. Probation Officer Martha Victoria (“PO Victoria”), assent to Mr. Torres’s request to participate in RJP and to continue sentencing to the above dates. As further grounds in support, Mr. Torres asserts the following:

1. During his presentence interview, Mr. Torres expressed his interest in participating in the Court’s Restorative Justice Program (“RJP”).<sup>1</sup> PO Victoria referred Mr. Torres to

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<sup>1</sup> RJP consists of four parts. First, there is an introductory meeting between a facilitator and a defendant to discuss concepts of restorative justice, assess a participant’s needs, and identify harmed parties and/or community member matches. Second, there is a 16-hour workshop that includes experiential learning, meaningful acceptance of responsibility, and acknowledgement of the impact of one’s harms on others through relationship-building among responsible parties, harmed parties, and community members. Third, a defendant may participate in a trauma-informed restorative justice reading group. The group meets once per week for five weeks to discuss assigned readings about common types of trauma and other restorative justice topics. Fourth, there is a facilitated restorative justice conference between a defendant and one or more persons harmed by a defendant’s conduct. Steps one and two are mandatory to complete RJP. Steps three and four

Supervising U.S. Probation Officer Maria D’Addieco (“PO D’Addieco”), who coordinates RJP.

2. PO D’Addieco advised that a preliminary review of Mr. Torres’s matter before the Court indicates that his case is appropriate for RJP. PO D’Addieco stated that the next available RJP session will occur during summer 2025. To enroll, Mr. Torres requires an allowed motion from this Court, and then U.S. Probation will add Mr. Torres to the list for the summer RJP session.
3. Undersigned counsel informed opposing counsel, AUSA Mallard, regarding Mr. Torres’s request to participate in RJP and the need to continue sentencing should Mr. Torres be accepted into the program. Opposing counsel assents to Mr. Torres’s request.
4. Accordingly, Mr. Torres requests that this Court enter an order that Mr. Torres may participate in the next available RJP session and should be added to the RJP list for the summer 2025 RJP workshop.
5. Further, this Court should continue Mr. Torres’s sentencing hearing from its presently scheduled date of April 14, 2025 to August 8, 2025, August 14, 2025, or any other date convenient for the Court and the Parties and to enter an updated scheduling order for presentence filings. This additional time will allow Mr. Torres to complete the restorative justice programming prior to sentencing, and a revised scheduling order for presentence filings will allow U.S. Probation to include Mr. Torres’s participation in RJP in its presentence report.

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are optional, but already Mr. Torres has expressed his interest in participating in this part of the programming.

6. A continuance is necessary to afford the Parties “reasonable time necessary for effective preparation, taking into account the exercise of due diligence.” 18 U.S.C. § 3161(h)(7)(B)(iv). Mr. Torres further requests that the Court exclude the time from the date of filing this motion, March 18, 2025, until the date of the rescheduled sentencing hearing before the District Court in the interests of justice, pursuant to 18 U.S.C. §§ 3161 *et seq.*. The ends of justice served by this exclusion outweigh the interests of the public and the defendant in a speedy sentencing hearing. 18 U.S.C. § 3161(h)(7)(A). Good cause justifies the Court’s continuing the sentencing date to a further date convenient for the Court and the Parties. Additionally, good cause justifies amending the presentence scheduling order in accordance with the revised sentencing date, so that U.S. Probation may include information regarding Mr. Torres’s participation in RJP as part of its presentence report.

### CONCLUSION

WHEREFORE, the defendant requests that this Court allow this motion without a hearing, allow Mr. Torres to enroll in RJP, and continue the sentencing hearing to the proposed dates.

JOSE TORRES,  
By His Attorneys,  
CARNEY, GAUDET & CARNEY

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March 19, 2025

**CERTIFICATE OF SERVICE**

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on or before the above date.

*J. W. Carney Jr.*

J. W. Carney Jr.

